

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

SAYLOR R. WHITE,

Plaintiff,

: Case No. 3:21-cv-328

- vs -

District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

DAVE DENNIS CHEVROLET, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 42) to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Complaint against Defendant State of Ohio is DISMISSED without prejudice. Because reasonable jurists would not disagree with this conclusion, the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore Plaintiff should not be permitted to proceed *in forma pauperis*.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

April 13, 2022.

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s/Thomas M. Rose  
Thomas M. Rose  
United States District Judge